

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 98-95

December 8, 1998

TO: All Regional Directors, Officers-in-Charge,
And Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Settlement Judge Program

During Fiscal Years 1996 and 1997, 190 cases were assigned to settlement judges. The Division of Judges achieved settlements in 69 percent (129 of 190) of these cases. The Philadelphia Region has been particularly proactive with respect to the settlement judge program. Fifty four of the 190 cases assigned to settlement judges during this period arose out of the Philadelphia Region and 35 of these settled.

Each month the Philadelphia Region identifies several cases for referral to a settlement judge. The Region then notifies the parties involved in each case that the Division of Judges has been requested to assign a judge to conduct a settlement conference regarding their case. The Region gives a specific date on which the conference would be held and requests the parties to notify the Agency whether or not they wish to participate in such a conference. The parties are advised that participation is voluntary and that no conference will be held unless all parties agree to participate. They are also told that the settlement judge will not be the judge assigned to hear the case if it goes to trial and that the settlement discussions are not admissible in proceedings before the Board except by stipulation of the parties. The Baltimore Region has also successfully implemented a similar program.

The proximity of those Regions to the Washington office of the Division of Judges has enabled judges to handle the large number of settlement conferences in these two Regions. Nevertheless, other Regions should review their cases set for trial and evaluate whether a settlement judge can possibly enhance the prospect of settlement. Particular attention should be given to trials that are anticipated to last several days. If the Region believes that a settlement judge would be beneficial, the Region should explore the feasibility of a settlement judge with the parties and the Division of Judges. Regions located in cities where there is a Division of Judges' office should be particularly sensitive to opportunities to utilize this program. Regions not located near Judges' offices

should consider requesting telephonic conferences with a settlement judge. It may be possible that these Regions could also coordinate settlement conferences so that Judges coming to the Regions for trials can serve as settlement judges in other cases on the same trip so as to conserve Judges' travel costs.

If you have any questions, please contact your representative in Operations.

R. A. S.

cc: NLRBU

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